



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Internal Management and Fiscal
Responsibility Committee**

Thursday, May 12, 2005

2:00 PM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Internal Management & Fiscal Responsibility Committee
Meeting Agenda
May 12, 2005**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2(C)	3(P)(M)(2)
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If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

Acknowledgements--Analyses prepared by:

Gary Collins, Acting Chief Legislative Analyst
Doug Pile, Legislative Analyst

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Chairman Joe A. Martinez

I. SUMMARY

The 4-Day Rule requires a copy of each agenda item be delivered to the Commission not later than 4 working days before a vote may be called.

The Ordinance amends Rule 5.05(b)(2) regarding the placement of certain items on the agenda which were not delivered in accordance with the 4-Day Rule, or not considered by a committee:

- Amends the list of exceptions to include "items not subject to committee review" generally, rather than the currently listed specific items of board appointments, office allocations, reports and supplements. The standard exceptions of alternates and substitutes remain unchanged;
- Replaces the provision that such items will be placed on the agenda upon the signature of seven Commissioners, with a provision requiring the written concurrence of the responsible committee chair, if any, and the Commission Chair;
- Deletes the provision providing exceptions for County Manager-sponsored items that the County Manager certifies in writing to be time sensitive or an emergency.
- Deletes the provision requiring such manager-sponsored items to receive the affirmative vote of two-thirds of Board members present for adoption or enactment.

II. PRESENT SITUATION

Rule 4.01(i), provides that "no item shall be placed on a commission agenda or considered by the county commission, unless at least one committee has taken action regarding the item," except as otherwise provided by the rules. Rule 4.01(j) and (k) provide certain exceptions to that requirement, which include: items placed on the agenda by the Chair of a committee if the Commission chair concurs in the waiver, quasi-judicial items, special taxing districts, ordinances for first reading, consent agenda items, road closings, emergency matters, and time sensitive matters with little or no financial impact. Similarly, under Rule 5.05(b)(1), items on the Commission agenda may be presented or sponsored by any County Commissioner, a Commission committee, the County Manager, the County Attorney and the Clerk of the Commission.

The 4-Day Rule, Rule 5.05(c), requires a copy of each agenda item be delivered to the Commission not later than 4 working days before a vote may be called. It is not

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applicable to special or emergency meetings, or to items which do not require a vote. This rule is waived unless a Commissioner asserts its provisions prior to the Board taking action. The 4-Day Rule may not be waived under Rule 7.01(n), which provides for suspension of the rules by two-thirds vote of the Commissioners present.

Rule 5.05(b)(2) provides that proposed items not delivered in accordance with the 4-Day Rule, and those not considered by a committee (except for alternates, substitutes, board appointments and office allocations) shall not be placed on the agenda unless accompanied by the signatures of seven Commissioners.

Proposed items not delivered in accordance with the 4-Day Rule (except for alternates, substitutes, reports and supplements) and are sponsored by the Manager shall not be placed on the agenda unless the Manager certifies that the item is time sensitive or is an emergency. These items need a two-thirds vote of the Commissioners present for adoption or enactment. There is no similar provision for certifying proposed items not delivered in accordance with the 4-Day Rule, and are sponsored by any County Commissioner, a Commission committee, the County Attorney or the Clerk of the Commission.

III. POLICY CHANGE AND IMPLICATION

The Ordinance amends Rule 5.05(b)(2) regarding items not delivered in accordance with the 4-Day Rule, or not considered by a committee, as follows:

- Amends the list of exceptions to include "items not subject to committee review" generally, rather than the currently listed specific items of board appointments, office allocations, reports and supplements. The standard exceptions of alternates and substitutes remain unchanged;
- Replaces the provision that such items will be placed on the agenda upon the signature of seven Commissioners, with a provision requiring the written concurrence of the responsible committee chair, if any, and the Commission Chair;
- Deletes the provision providing exceptions for County Manager-sponsored items that the County Manager certifies in writing to be time sensitive or an emergency.
- Deletes the provision requiring such County Manager-sponsored items to receive the affirmative vote of two-thirds of Board members present for adoption or enactment.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES AND AUTHORIZING THE COUNTY MANAGER TO AWARD SAME WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER

Department of Procurement Management

I. SUMMARY

This proposed resolution would approve waivers of formal bid procedures for three (3) procurements.

II. PRESENT SITUATION

Item 2.1 is to approve a bid waiver for a \$461,000 contract to Thurston Group, its 3rd noncompetitive award for this federal grant funded demonstration project at the Juvenile Assessment Center (JAC).

Items 4.1 and 4.2 are to ratify competitively-awarded emergency procurements for the Department of Solid Waste Management for contracts impacted by Judge Adalberto Jordan's ruling of August 20, 2004. Item 4.1 is \$2,500,000, one-year contract with one 6-month option to renew for temporary laborers for waste collection services. Item 4.2 is a \$392,979, five-year contract for scalehouse accounting and video system.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

Item 2.1	<u>Funding history for noncompetitive awards to Thurston Group for this project</u>
\$1,192,000	Original award, R-222-01, adopted 3/8/2001; services through 3/31/02 "or until all funds are exhausted"
\$450,000	2nd award, R-240-04, adopted 2/17/2004; services through 6/30/2005
\$461,000	<u>This Agenda Item: 3rd award; services through 9/30/2007</u>
\$2,103,000	Total noncompetitive awards authorized to Thurston Group for this project if Item 2.1 approved (Federal grant funded)

Item 4.1 \$2,500,000 (Department of Solid Waste Management)

Item 4.2 \$392,979 (Department of Solid Waste Management)

V. COMMENTS AND QUESTIONS

None.